



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुकवार, 1 नवम्बर, 1974/10 कार्तिक, 1896

GOVERNMENT OF HIMACHAL PRADESH

FOOD AND SUPPLIES DEPARTMENT

ORDER

Simla-2, the 7th October, 1974

No. 11-6/71-Co-op (F&S).—In exercise of the powers conferred by section 34(2) of the Defence of India Act, 1971, along with rule 114(2) of the Defence of India Rules, 1971 and with the prior concurrence of the Central Government in terms of provisions of sub-rule 4 of rule 114 *ibid*, the Governor of Himachal Pradesh is pleased to make the following order, namely:—

1. (1) This order may be called the Himachal Pradesh Hoarding and Profiteering Prevention Order, 1974.

- (2) It shall come into force at once.
- (3) It extends to whole of the State of Himachal Pradesh.

2. In this Order, unless the context otherwise requires,—

- (a) “article” means an article specified in the Schedule to this order and it shall be deemed to be in the possession of a person, even when it is held on behalf of that person by another person notwithstanding that it is mortgaged to another person;
- (b) “dealer” means a person engaged in the business of sale or storage for sale, of any article, whether such business is carried on in retail or in wholesale and includes in the distributing agent or the selling agent of such person;
- (c) “producer” includes a manufacturer;
- (d) “Inspector” means District Inspector, Assistant Food and Supplies Officer, Inspector and Sub-Inspector appointed by the Director for carrying out the purposes of this order;
- (e) “District Magistrate” means the District Magistrate of the district and includes a Sub-Divisional Magistrate, District Food and Supplies Controller, District Co-operative and Supplies Officer, District Food and Supplies Officer, within the area of their respective jurisdiction;
- (f) “Director” means the Director, Civil Supplies, Himachal Pradesh and includes the Deputy Director, Civil Supplies, Himachal Pradesh.

3. (1) The Director or the District Magistrate may, by notification in the Official Gazette, fix in respect of any article,—

- (a) the maximum quantity which may at any one time be possessed by a dealer or a producer;
- (b) the maximum quantity which may at any one time be possessed by any consumer;
- (c) the maximum quantity which may, in any one transaction, be sold to any person by a dealer or a producer;
- (d) the maximum margin of profit that may be charged by a dealer or a producer over his costs.

(2) The quantities and margin of profit fixed in respect of any article under this clause may be different in different localities:

Provided that while fixing the margin of profit, the prescribed authority shall take into consideration, the nature of the commodities and also all relevant local conditions and that such margin of profit shall in no case be less than $1\frac{1}{2}\%$ and more than 10% .

Expelation.—For the purpose of this clause District Magistrate shall mean only the District Magistrate of the district.
and “Director” shall mean only the Director, Civil Supplies, Himachal Pradesh.

4. No dealer or producer shall,—

- (a) have in his possession at any one time a quantity of any article exceeding the maximum fixed by notification under paragraph (a) and sub-clause (1) of clause 3;
- (b) sell or offer for sale to any person in any one transaction a quantity of any article exceeding the maximum fixed by notification under paragraph (c) of sub-clause (1) of clause 3 of this order; or

- (c) charge more than the maximum margin of profit fixed under paragraph (d) of sub-clause (1) of clause 3 of this order.

5. No consumer shall have in his possession at any one time a quantity of any article exceeding the maximum fixed by notification under paragraph (b) of sub-clause (1) of clause 3.

6. Any dealer or producer or consumer having in his possession a quantity of any article exceeding that permitted by a notification issued under clause 3 shall forthwith report the fact to the Director or the District Magistrate and shall take such action as to the storage, distribution or disposal of the excess quantity as the Director or the District Magistrate, as the case may be, may direct.

7. No dealer or producer shall, unless previously authorised to do so by the Director or District Magistrate,—

- (i) without sufficient cause, refuse to sell to any person any article within the limits as to quantity imposed by or under this order; or
- (ii) require the purchaser of any article to purchase at the same time any other article as a condition for the purchase of that article.

Explanation.—The possibility or expectation of obtaining a higher price for an article at a later date shall not be deemed to be a sufficient cause for the purposes of this clause.

8. (1) The Director may, by notification published in the Official Gazette, prohibit the sale of such article as may be specified in the notification except on the production of a Distribution Card issued by the Director or the District Magistrate. Such notification may provide for the maximum quantity of any article that may be sold to any consumer or group of consumers.

(2) After a notification is issued under sub-clause (1), no consumer shall secure a Distribution Card for more than the actual number of members of his family or obtain or attempt to obtain in any manner whatsoever supplies of any article in excess of the maximum quantity to which he is entitled under the said notification.

9. The Director or the District Magistrate or any person authorised in writing in this behalf by the Director or the District Magistrate may, with a view to securing compliance with the provisions of this order or any notification issued thereunder or to satisfying himself that any such provision has been complied with ;—

- (a) require, by an order in writing any producer or dealer to furnish within such period and at such intervals as may be specified in such order such information, returns or reports and in such forms as may be required; and
- (b) prescribe the manner in which true accounts of stocks, sales, purchases or other transactions of articles should be kept.

10. (1) The Director, the District Magistrate, the Inspector or Police Officers of the rank of Sub-Inspector and above may ;—

- (a) inspect or cause to be inspected any books or other documents belonging to or under the Control of a producer or a dealer ;
- (b) enter or search or authorise any person to enter or search the premises of a producer, a dealer or a consumer; and
- (c) seize any article or authorise any person to seize any article in respect of which he has reason to believe that a contravention of this order or any

notification issued thereunder has been, is being or is about to be committed.

(2) The provisions of section 100 of the Code of Criminal Procedure, 1973 relating to search and seizure shall so far as may be, apply to searches and seizures under this clause.

11. The powers exercisable by the Director and the District Magistrate under this order shall also be exercisable by the State Government.

12. Any contravention of the provisions of this Order shall be punishable under sub-rule 11 of Rule 114 of the Defence of India Rules, 1971, with imprisonment for a term which may extend to three years, or with fine, or with both.

13. The Himachal Pradesh Hoarding and Profiteering Prevention Order, 1972 issued vide this department order of even number, dated the 19th August, 1972, is hereby rescind.

SCHEDULE

[See Clause 2(a)]

1. Foodgrains (wheat, gram, barley, rice and maize, including their products).
2. Baby Food.
3. Condensed milk.
4. Sugar.
5. Gur, Shakkar and Khandsari.
6. Pulses.
7. Tea.
8. Match-boxes
9. Salt.
10. All vegetable oils (including hydrogenated oil).

Explanation.—Hydrogenated oil shall be excluded from the perview of this order, in so far as producers of this article is concerned. Further the provisions of paragraph (d) of sub-clause (1) of clause 3 of this order shall not be applicable in respect of this article.

11. Kerosene oil and diesel oil.
12. Razor blades.
13. Battery/transistor cells.
14. Paper and exercise books.
15. Methyalted spirit.
16. Tyres and tubes for cycles, rickshaw cycles, motor cycles, scooters, trucks, buses, jeeps, cars and wagons.
17. Woollen hosiery.
18. Knitting wool.
19. Electric or torch bulbs.
20. Washing and toilet soaps.
21. Soft coke, hard, coke, steam coal and slack coal.
22. Cement.
23. Hurican lanterns.
24. Candles.
25. Woollen textile.
26. Spieces.

M. S. MUKHERJEE,
Secretary.